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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,777	12/27/2004	Hiroyuki Araki	P26452	6777
7055 7590 04/09/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER HAMILTON, ISAAC N	
			ART UNIT 3724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

10/517,777

Applicant(s)

ARAKI, HIROYUKI

Examiner

Isaac N. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, hereafter AAPA in view of Ganter et al (3,528,239), hereafter Ganter. In the "Description of Prior Art section", AAPA discloses an electric tape cutter that feeds a leading edge of adhesive tape wound on a reel from a delivery outlet and cuts it to an appropriate length with an electrically driven blade provided at the delivery outlet, and has a magnet affixed to a pinion gear that has an axis of rotation and is connected to a drive source. AAPA does not disclose a fitted member of equal weight to the magnet embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with the axis of rotation of the pinion gear therebetween. However, Ganter teaches a fitted member, which is the portion of element 11 on the left side of element 10 in figure 2, of equal weight to the magnet embedded in a gear 11 at a location that is symmetrical to the position at which the magnet is provided with respect to the axis of rotation 10 of the gear therebetween. It would have been obvious to provide disclose a fitted member of equal weight to the magnet embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with the axis of rotation of the pinion gear therebetween in AAPA as taught by Ganter in order to provide balanced rotation of the gear as recited in column 1, lines 28-36.

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Regarding claim 2, Ganter teaches the fitted member is made of brass in column 2, line 40. It would have been obvious to provide a fitted member of brass in AAPA as taught by Ganter in order to provide a material that isn't easily magnetized.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of AAPA and Ganter as applied to claims 1 and 2 above, and further in view of Bunch (2,750,461).

The combination discloses everything as noted above, but does not disclose the fitted member and the magnet having generally the same shape, however, Bunch teaches the fitted member and the magnet having generally the same shape as shown in figure 1. It would have been obvious to provide the fitted member and the magnet having generally the same shape in the combination as taught by Bunch in order to retain the balance of rotation of the gear by simultaneously changing the weight and the gear when upgrading the magnet and metering system.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of AAPA in view of Ganter. The combination discloses the claimed invention except for the fitted material being made of a material having a specific gravity equal to the specific gravity of the magnet, different from the specific gravity of the magnet, and the fitted member being smaller in size than the magnet. However, it would have been obvious to one of ordinary skill in the art to provide the elements mentioned above for the purpose of maximizing space on the gear for other components. It has been held that where the general conditions of a claim are disclosed in the prior art, selecting a known material on the basis of its suitability for the intended use, and selecting one particular configuration of an element out of numerous configurations involves only routine skill in the art. Such a modification would have involved a mere change in the type of material used for a component, and would have involved a mere

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change in the shape of a component. A change in material and a change in shape is generally recognized as being within the level of ordinary skill in the art.

Response to Arguments

5. Applicant's arguments filed 01/12/07 have been fully considered but they are not persuasive. Applicant asserts that the claims were amended solely for cosmetic purposes, however, the amendment in claim 1, line 11, "respect to" is considered a new limitation. Applicant asserts that the combination of AAPA and Ganter do not teach a fitted member of equal weight to the magnet, wherein the fitted member is embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with respect to the axis of rotation of the pinion gear, such that rotation of the pinion gear is prevented. AAPA and Ganter teach a fitted member of equal weight to the magnet, wherein the fitted member is embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with respect to the axis of rotation of the pinion gear because "embedded" is interpreted to include portions of element 11 that are integral with element 11. As stated in column 1, lines 39-41, the gear has balance and "a mass equalization with the eccentric parts of the elements and with the permanent magnet". This implies that the center of mass of the embedded fitted member of equal weight to the magnet is symmetrical with the magnet with respect to the axis of rotation. Although the portion of element 11 that is the fitted member is not defined in the figures, inherently there is a portion of element 11 that has an equal weight to the magnet and has a center of mass that is symmetrical to the location of the center of mass of magnet.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH

April 2, 2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER